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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MAIS, MARK A

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

12/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on November 17, 2008 have been fully considered but they are not persuasive.
2. Applicants' state that Olivier et al. fails to disclose a storage unit associated with the channel for storing source identification information of a plurality of sources and indicating an order of priority of the plurality of sources [**See Applicants' Request for Reconsideration dated November 17, 2008, page 12, paragraph 3 to page 13, paragraph 1**]. Specifically, Applicants state that the cited identifiers in Olivier et al. are merely scanned and that the cited host port channel priority scheme merely distinguishes between low priority and high priority of the channels [**See Applicants' Request for Reconsideration dated November 17, 2008, page 13, paragraph 2 to page 14, paragraph 1**]. Applicants argue, apparently, that the cited priority scheme does not include the order of priority of the sources for access to the channel [**See Applicants' Request for Reconsideration dated November 17, 2008, page 14, paragraph 2 to page 15, paragraph 1**]. The examiner respectfully disagrees.
3. First, as noted in the rejection of claim 1, Oliver et al. discloses that each channel *i* has source register 650, destination register 652, and enable register 654 [**Fig. 6; col. 9, lines 46-53; See also control registers, col. 11, line 59 to col. 13, line 7**] associated with

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channel i [Figs. 4 and 6; channels controllers 410, 411, 412; col. 7, lines 12-13; six channels, col. 5, lines 15-18] for storing multiple source descriptors 650, destination descriptors 652, and enable descriptors 654 from Resource 0 or Resource 1 [Fig. 6; col. 9, lines 46-53; Table 3, lines 25-33; Fig. 4, Resource 0 and 1] where the schedulers use the enable/disable priority algorithm for specific ports [col. 11, lines 35-57 and col. 12, lines 49-54] and channel priority fields are overlaid onto the round-robin scheme allowing transfer of high priority channels over low priority channels [col. 12, line 55 to col. 13, line 7].

4. Second, as acknowledged by Applicants, the fact that low priority channels (from low priority sources) must wait until high priority channels (from high priority sources) no longer need to be triggered *necessarily* indicates the order of pluralities of sources. The examiner notes the broadest reasonable interpretation with regard to Applicants' Specification.

5. Third, if Applicants are arguing that the indication of order of priority of the sources means that they all have the same priority level [for example, high priority, high QOS, etc.] and that the order of priority is then ascertained/computed/determined based on an order among same-priority sources, such a limitation is not seen in the claims. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the indication of order of priority of the sources means that they all have the same priority level [for example, high priority, high QOS, etc.] and that the order of priority is then

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ascertained/computed/determined based on an order among same-priority sources) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. Fourth, if Applicants are arguing that the method of ascertaining/computing/determining the order of priority among same-priority sources (for example, first-in, first-out) can not be determined in a round-robin fashion (for example, fair queuing, random discard queuing, weighted random discard queuing, etc.), the examiner does not see such a limitation in the claims. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies [i.e., that the method of ascertaining/computing/determining the order of priority among same-priority sources (for example, first-in, first-out) can not be determined in a round-robin fashion (for example, fair queuing, random discard queuing, weighted random discard queuing, etc.)] are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. MAIS whose telephone number is (571)272-3138. The examiner can normally be reached on M-Th 9am-8pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 24, 2008

/Mark A. Mais/

Examiner, Group Art Unit 2419

/Wing F. Chan/

Supervisory Patent Examiner, Art Unit 2419

11/25/08